

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

PC Connection, Inc.	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:10-cv-348-LM
	)	JURY TRIAL DEMANDED
Dayton Crabtree doing business as "Computer	)	
Connections" and as "pc-connections.com"	)	
	)	
Defendant.	)	
	)	

**PLAINTIFF'S MOTION FOR TEMPORARY  
AND PRELIMINARY INJUNCTIVE RELIEF**

NOW COMES Plaintiff PC Connection, Inc., by and through its attorneys, Devine, Millimet & Branch, P.A., and pursuant to Fed. R. Civ. P. 65(a) and Local Rule 65.1, hereby moves for a temporary restraining order and for a preliminary injunction, enjoining Defendant from continuing to infringe upon federally protected trademarks and from continuing to mislead consumers as to the sponsorship, source and origin of the goods and services he is selling and offering for sale. In support of its Motion, PC Connection, Inc. states as follows:

1. PC Connection, Inc., through various wholly-owned subsidiaries (collectively, "PC Connection"), is a leading marketer and seller of computer products, electronics and related goods and services based in Merrimack, New Hampshire. PC Connection initiated this action upon learning that Defendant is using the Internet domain name "pc-connections.com" with respect to the operation of a business that offers various computer and computer-related goods and services. See Amended and Verified Complaint for Preliminary and Permanent Injunctive Relief, Declaratory Relief, and Damages ("Amended and Verified Complaint") at ¶ 13. It is believed that Defendant is operating his business, under the tradename Computer Connections, at

a physical location in West Virginia. Defendant's conduct is unlawful and actionable as infringement and dilution of PC Connection's trademarks, as a violation of the Anticybersquatting Consumer Protection Act, as unfair competition, and as a violation of the New Hampshire unfair trade practices statute. Id. at ¶¶ 21-50.

2. PC Connection now moves for a temporary restraining order and a preliminary injunction enjoining Defendant from continuing to infringe upon PC Connection's federally registered trademarks and from continuing his other unlawful conduct.

3. As explained in the Memorandum of Law in Support of PC Connection's Motion for a Temporary Restraining Order and Preliminary Injunction, filed simultaneously herewith and incorporated herein, a preliminary injunction is warranted in this case because PC Connection has demonstrated that it is virtually certain to prevail on the merits of its trademark infringement and cyberpiracy claims.

4. In this regard, the mark being used by Defendant -- the Internet domain name "pc-connections.com" -- is not only confusingly similar to, but nearly identical to, PC Connection's federally protected trademarks.

5. Defendant's use of this mark is likely to cause consumer confusion in the marketplace and warrants the issuance of a preliminary injunction.

6. In short, the issuance of temporary and preliminary injunctive relief is warranted because PC Connection has sustained, and will continue to sustain, irreparable harm as a result of Defendant's infringement of its trademarks; because the balance of harm plainly weighs in favor of the issuance of injunctive relief; and, because the granting of temporary and preliminary injunctive relief would benefit the public's interest in protecting federally registered trademarks and preventing cyberpiracy.

7. PC Connection's regular trademark counsel, Lando & Anasasi LLP, sent letters to Defendant asking him to cease his patently unlawful conduct, but he has failed and refused to do so. See Amended and Verified Complaint at ¶¶ 14-16, and Exhibits B and C attached thereto.

8. The undersigned counsel for PC Connection certifies pursuant to Local Rule 7.1(c) that he has contacted Defendant via email prior to seeking relief from this Court and advised him that this Motion would be filed. No concurrence has been sought as Defendant has not yet appeared herein.

WHEREFORE, PC Connection respectfully requests that this Honorable Court:

- A. Issue a Temporary Restraining Order in the form of the Order submitted herewith;
- B. Schedule a hearing on PC Connection's Motion for Temporary and Preliminary Injunctive Relief within ten (10) days;
- C. After said hearing, issue an Order prohibiting Defendant, his officers, agents, servants, employees and attorneys and any person(s) acting in active concert or participation with him from using or displaying in any way PC Connection's federally protected trademarks or any names, marks or words that are confusingly similar to PC Connection's federally protected trademarks;
- D. Prohibit Defendant and his officers, agents, servants, employees, and attorneys, and any person(s) acting in active concert or participation with him from using the Internet domain name "pc-connections.com";
- E. Order Defendant to place the following notice in a prominent location on the home page of his website:

If you were directed to this site through the term "PC Connection," that has been in error. There is no affiliation between pc-connections.com. The mark "PC Connection" is a registered trademark of PC Connection, Inc., which can be found at [www.pcconnection.com](http://www.pcconnection.com).

F. Prohibit Defendant and his officers, agents, servants, employees, and attorneys, and any person acting in active concert or participation with him from using PC Connection's federally protected trademarks or any names, marks or words that are confusingly similar to PC Connection's federally protected trademarks within meta tags on any website; and

G. Grant PC Connection such other and further relief as the Court deems just and equitable.

Respectfully submitted,

**PC CONNECTION, INC.**

By its attorneys,

**DEVINE, MILLIMET & BRANCH, PA**

Dated: August 17, 2010

By /s/ Steven E. Grill  
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